

Secret Army directive

Surveilling civilians: Old dossiers never die

by Vin McLellan

In the two years since the United States Army's domestic spy operation was first revealed, the Generals have had their stars tarnished and their snoop system virtually disemboweled—yet throughout have managed to conceal all but the most easily justifiable portion of their operation, even in the face of a vigorous 20-month investigation by the Senate Subcommittee on Constitutional Rights, led by no less than the most decorated war veteran in the Senate, Sam Ervin of North Carolina.

I have obtained a copy of the still-classified directive that defined the scope of the Army's civilian surveillance in its unleashed heyday. This directive was issued on April 23, 1969, under the signature of Lieutenant Colonel Orville K. McLay, who was then chief of the Continental United States Intelligence Branch of the U. S. Army Intelligence Command, headquartered at Fort Holabird, Maryland. By mid-summer 1970, the Army had ordered virtually all copies of this document destroyed. It has never before been made public nor was its existence known even to the Ervin subcommittee until I provided them with a copy; yet this

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directive documents as nothing before the immense surveillance project set up by the Army and the extent to which military intelligence (MI) infiltrated the political fabric of our country.

Although the testimony of some 80 former Army intelligence agents before the Ervin subcommittee has at least hinted at an operation of this scope—this document, setting forth in precise detail the information the Army's more than 1500 domestic intelligence agents collected, has shocked even the most knowledgeable investigators of the Army spy operation. This document is

also the first to have become available, either officially or unofficially, which actually lists 60 organizations (with their MI dossier numbers) that the Army considered key intelligence targets.

On February 26, the Department of the Army, having been heavily buffeted by criticism from a large number of congressmen and in the press, unclassified a command directive which was purported to be the order which governed the Army's domestic intelligence program.

The Army's Civil Disturbance Information Collection Plan, dated May 2, 1968, was released just prior to the appearance of a number of top Army and Defense Department officials before the Ervin subcommittee. This plan—while replete with vague references to "dissidents" which begged loose interpretation—seemed to support the Army's contention that the intelligence program had been designed to meet the Army's need for information in the event it was ordered to quell a major civil disturbance, a possibility seen as very real in the aftermath of the Detroit and Newark riots in the summer of 1967.

The unclassified 1968 directive was couched entirely in terms of riot control needs. It had three sections—pre-disturbance activities, activities during civil disturbance, and post-disturbance activities—and while Army officials were forced to acknowledge that the vague and general directives had led to indiscreet and indiscriminate surveillance when they were interpreted by some subordinate officers, they were still able to argue plausibly that the focus of the effort had been on the riot threat.

Reference notes on this directive reveal, however, that even while the 1968 civil disturbance plan was operative, the Army at the same time was maintaining at least five other surveillance programs, targeting a broad range of social activists from AFL-CIO labor organizers to Quaker draft counseling projects. All of these programs were wed in the 1969 intelligence directive I have obtained.

I have been able to locate and interview former Army intelligence officers who could identify this document as the directive they worked from when they were in the service, but the distribution of this plan was apparently quite limited; probably no more than a

few hundred men in the Army and other federal agencies involved in political surveillance ever had access to it, although it directed the daily activities of MI agents working out of 300 offices scattered across the country. The investigating Senate subcommittee, despite repeated requests

directed to the Army and Defense Department, has been unable to obtain copies of intelligence directives issued either prior or subsequent to the May '68 plan the Army unclassified.

Three pages of this 29-page order are given over to a "partial list of organizations . . . of intelligence interest." While heavily weighted with leftist and black organizations, the list covers a spectrum from the American Nazi Party (ZB 00 93 32) on the right to the Black Panther Party (ZA 02 21 64) on the left. It also includes a number of eminently, respectable liberal-oriented groups such as the Americans for Democratic Action, ADA (ZA 00 17 81), the National Association

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for the Advancement of Colored People, NAACP (ZA 00 04 02), and the American Friends Service Committee (ZA 00 02 00).

The directive sets up channels and reporting procedures for the following surveillance targets, each of which was given a reference code: (a) civil disturbances; (b) major disasters and catastrophes; (c) anti-war/anti-draft activities; (d) militant organizations; (e) extremists in the armed forces; (f) demonstrations, rallies, parades, marches, conventions, conferences, and picketing activities; (g) foreign element participation or influence in civil disturbance; (h) strikes and labor disturbances; (i) dissidents/subversives in civil disturbances, as related to civil disturbances only; (j) legal aspects, as related to civil disturbances only; and (k) thefts of weapons and ammunitions.

Two sections, civil disturbances and dissidents/subversives in civil disturbances, are lifted

wholly from the unclassified 1968 Civil Disturbance Information Collection Plan and in fact constitute the body of that directive, but the other nine target categories are revealed for the first time in this directive. Although the phrase "civil disturbance" is injected repeatedly into the directive, a study of the details of the order reveal it to be a mere

euphemism, little more than a rationalizing code-term for political surveillance.

For instance, in the section on anti-war/anti-draft activities there is no need for the military intelligence agents to establish a connection between individuals or organizations involved in draft counseling and anti-war organizing and any threatened or potential civil disturbance. The orders are flat, direct, and all-encompassing; agents were instructed to collect "full identifying data on individuals/groups who are engaged in such anti-war activities." On draft counseling specifically, MI agents were ordered to identify organizations and individuals who offered counseling on how to avoid the draft and delay induction, to identify all registrants who received such counseling, and to collect samples and identify all individuals and organizations involved in publishing and distributing draft counseling literature. Agents were also specifically instructed to find out what type of information draft counselors were giving on how to register as a conscientious objector.

The instructions for MI surveillance of "demonstrations, rallies, parades, marches, conventions, conferences, and picketing activities" require identification of "all personalities involved or expected to become involved in protest activities, to include leaders or 'activists' of local dissident groups and leaders, representatives or speakers of national or regional organizations." MI agents were also instructed to obtain "details" concerning transportation arrangements for non-local demonstrators or conventioneers, "details concerning housing facilities, offices, or bases of operations to be used by visiting . . . groups, to include non-commercial facilities such as churches

and private homes."

There is no limiting definition of which groups or what sort of conventions or protest rallies were to be subject to Army surveillance, not even an indication that a protest should be considered potentially violent or in any way unlawful before MI began investigating the individuals and groups involved. To the contrary, the directive specifically requests information on both non-violent and violent protests; and no distinctions are made on the basis of lawful or unlawful protests, rallies, conventions, etc. In effect, who and what were to be watched was left wholly up to the discretion of the commander of the local intelligence group.

The same broad sweep approach was used to direct MI

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agents watching strikes and labor disturbances, although there were several cautionary notes repeated in this section that agents were, in effect, to watch from afar and not get caught. MI agents were ordered to identify "individual leaders and members of the striking union," and to collect "background information" on these union leaders as well as information on what positions they've held within the union and their "degree of participation in previous strikes and/or labor disturbances."

Agents were cautioned that no "investigative action is required to satisfy this requirement inasmuch as only that information on leaders available in your local (MI) files and through news media contacts is desired," yet they were instructed to probe deeply enough to report issues "both published and unpublished" involved in the labor dispute, to pick indications of "present and future plans, to include the capability of carrying out any acts of violence or disturbances," to note indications of "underground" labor instigators, and to note the presence of an unusually large number of labor leaders in the affected area.

The note on "news media contacts" to be utilized in watching labor disturbances is picked up again in a series of special instructions at the end of the directive. "Full utilization of telephone lens equipment is directed to minimize the possibility of direct involvement by MI group per-

sonnel in the conduct of peripheral photographic coverage. Liaison with and utilization of local press and press wire-service agencies for the acquisition of photography is encouraged. In this regard, expenditure of ICF (intelligence contingency funds) is authorized in the accomplishment of this coverage." Another item under special instructions: "Extensive photo coverage of the civil disturbance activity in this plan is desired and will include photos of known or suspected leaders or members of any white or non-white dissident/militant group, organization, or element. . . ."

Under the target category of militant organization, MI agents were to ascertain the identity of individual leaders and members of militant organizations at local, state, and national level, these personality files to include "all current background information as well as length of membership, official titles or position, if any, membership in other groups, and degree of participation in militant activities not previously reported." Agents were also ordered to investigate the present

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and future plans of militant groups and to evaluate the organization's capability to effectively execute these plans. Agents were ordered to "include specific details concerning (the plans), including targets of proposed activities, degree of militancy expected, number of participants, and coordination with other militant organizations."

Agents were also to report on the training sessions of militant organizations—there is never any definition of "militant organizations" offered—to include the "number of participants, type of instruction, duration and topics of instruction at each training session . . . (and to) include, insofar as possible, a breakdown of the topics involved with instruction and a brief description of the subject matter discussed." Obviously such detail could only be obtained through covert penetration of a group, either by an agent or an informer. Although the special instructions attached to this order specifically bar the Army from using its own informers—unless specifically approved by the commanding general of Army intelligence command—there is no restriction against covert agent penetration, and the use of other police and FBI sources is encouraged.

The section of the directive on extremists in the armed forces is apparently wholly targeted at black GI organizing. Each of the

specific points of inquiry in this target category is aimed at black organizers; inquiries on white radicals in the service are categorized under anti-war and anti-draft activities. This distinction was apparently rigidly maintained; under this directive, information on in-service radicals was to be segmented by race and forwarded under separate codes and, after this directive was ordered destroyed in the summer of 1970, it was superseded by another far more limited directive with only two target categories: "Major Disasters and Catastrophes," and "Black Extremists in the Armed Forces."

The reference to GI activists made in the section on anti-war and anti-draft activities has to be one of the great masterpieces of bureaucratic jargon. MI agents were ordered to investigate any GI "connected with or alleged to be connected with" the Communist Party, any group cited as subversive by the Attorney General, or any "minority, racist, terrorist, left-wing, right-wing, and/or other dissident organizations of possible future intelligence interest which may be potentially detrimental to national defense or public order, even though not cited by the Attorney General." That swoop should include a WAC who told a friend she was thinking of entering a Carmelite convent. * * *

We will just have to live with the fruits of the Army's intelligence gathering; although the apparatus itself has been largely put out of commission, the information collected has been fed into numerous untraceable channels. The Army fed the information collected through its "civil disturbance" intelligence program directly into two major computer data banks, one at Fort Holabird, Maryland, and the second at Fort Monroe, Virginia. With the pressure from the Ervin investigation and other civil libertarian voices both in and out of the Army and Defense Department, the Army decided to destroy these data banks. But, as Lawrence Baskir staff director for the Ervin subcommittee, observed, the Army's security on that information was virtually non-existent: "it flowed like water once it got within the system; it went everywhere and anywhere . . . no one kept track of it." The Army, he said, certainly has not purged, and perhaps cannot purge, its various overlapping data systems of the information collected under the civilian surveillance program. The information was absorbed in the

Army's huge security check computer systems, for instance, and thousands of Americans over the next several decades will probably be denied employment because data collected by Army intelligence on their lawful political activity brands them "security risks."

And that's only within the Army. Outside the Army's system, the outlook is just as bleak. Instructions attached to his directive encourage the exchange of information collected by the Army with all local, state, and federal agencies involved or in-

terested in political surveillance. "I'm afraid we would generally have to say," said Baskir, "that this information was freely given to every agency at every level that was interested in it . . . and that's both within the Army and out of the Army."

The U. S. Army's Investigative Records Division, which maintains the physical dossier files which include all the information collected under this domestic intelligence program, was ordered to conduct a test program to investigate the feasibility of purging its dossiers of the material collected under this program. The result of the test, according to Baskir, was that the Army decided that with the tens of millions of dossiers it held there was no practical way of searching each one for information collected under the "civil disturbance" program. Instead, he said, the Army plans to review the contents of each file that is retrieved, and on that basis very slowly attempt to cleanse that system.

The Army, in a series of orders issued between June and November 1970, directed that the local civilian surveillance files maintained at the Army's 300 regional intelligence offices be destroyed. In September of that year, the ax fell on the files at Region III headquarters of the 108th Military Intelligence Group, then located at the Boston Army Base. Instead of destroying the files as they were ordered, however, Army MI agents merely handed most of them over to agents of the Naval Investigative Services, the Navy's intelligence branch. Such is the "survival instinct" in any political intelligence system.

Largely due to the courage of the former Army intelligence agents who testified before the Senate Subcommittee on Constitu-

tutional Rights and the vigorous protests of many members of Congress, led by Senator Ervin, the Army took it upon itself to disband most of its domestic intelligence operation, but the functions of the Army's civil disturbance intelligence program were shifted to the Department of Justice and the FBI, who likely use no finer nor more discriminate net than the Army did. It's only the end of round one.